

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK MCDONALD,

Plaintiff,

v.

MOLINA HEALTHCARE, INC., and MOLINA
HEALTHCARE OF WASHINGTON, INC.,

Defendants.

CASE NO. C20-1189-JCC

ORDER

This matter comes before the Court on Defendant Molina Healthcare of Washington, Inc.'s surreply and motion to strike (Dkt. No. 37) Plaintiff's reply on the motion to continue the trial date and amend the case schedule (Dkt. No. 28). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby DENIES the motion for the reasons explained below.

Defendants move to strike Plaintiff's reply as untimely. (Dkt. No. 37 at 1–2.) The reply was filed four days after it was due under Local Civ. R. 7(d)(2). (*See* Dkt. Nos. 28, 35, 37 at 2–3.) Plaintiff did not seek permission or offer any explanation for their late reply. This District's Local Rules pertaining to the scheduling of motions do not mandate sanctions for a short delay in filing a motion. Motions to strike are generally disfavored, and “should be denied unless the matter has no logical connection to the controversy at issue and may prejudice one or more of the

1 parties.” *Johnson v. U.S. Bancorp*, No. C11-02010 RAJ, 2012 WL 6615507, slip. op.at 7 (W.D.
2 Wash. Dec. 18, 2012) (citation and internal quotation marks omitted). Here, Defendants seek to
3 strike an entire brief. While the Court certainly does not condone Plaintiff’s failure to comply
4 with Local Rule 7(d)’s briefing deadlines, it does not believe that striking an untimely brief
5 altogether is warranted given the apparent lack of prejudice, since there is no further briefing,
6 and the short nature of the delay.¹ Given the Court’s preference for deciding issues on the merits
7 with the benefit of full information, it declines to strike the untimely reply on this basis.

8 Defendant’s motion to strike (Dkt. No. 37) Plaintiff’s reply (Dkt. No. 35) is DENIED.

9 DATED this 30th day of November 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

¹ While the Court denies Defendants’ motion to strike, Plaintiff’s counsel is strongly advised to abide by the applicable rules of procedure in the future.